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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Yolo)

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XAVJEIR GDFAITH,

Plaintiff and Appellant,

v.

DANIEL LERMA,

Defendant and Respondent.

C087885

(Super. Ct. No. PT181007)

XAVJEIR GDFAITH,

Plaintiff and Appellant,

v.

ELIZABETH GARCIA LERMA,

Defendant and Respondent.

C087886

(Super. Ct. No. PT181008)

Plaintiff Xavjeir Gdfaith appeals in propria persona from the trial court's orders denying his requests for civil harassment restraining orders against defendants Daniel and Elizabeth Garcia Lerma.<sup>1</sup> On appeal, plaintiff contends the trial court abused its discretion in denying his requests for restraining orders under Code of Civil Procedure section 527.6. As we explain, in the absence of the opportunity for meaningful review, we are required to affirm.

### **BACKGROUND**

Plaintiff filed separate requests seeking civil harassment restraining orders against defendants, his neighbors in an apartment complex, after a dispute arose over the use of a parking space. Plaintiff alleged that defendants parked their cars in front of plaintiff's door and allowed them to idle, causing exhaust fumes to enter his residence and causing adverse health effects to his family. Defendants each filed a response challenging plaintiff's allegations and claiming that plaintiff was harassing them. The trial court set a date for a contested hearing. At the hearing, the court denied plaintiff's requests for civil harassment restraining orders. We have not been provided with any reporter's transcript from the hearing.

### **DISCUSSION**

We review an order granting or denying a restraining order for abuse of discretion. (*Gonzalez v. Munoz* (2007) 156 Cal.App.4th 413, 420.) The factual findings necessary to support a civil harassment restraining order are reviewed for substantial evidence. (*Harris v. Stampolis* (2016) 248 Cal.App.4th 484, 497.) On appeal, we presume the trial court's order to be correct and indulge all intendments and presumptions to support it regarding matters as to which the record is silent. (*Denham v. Superior Court* (1970)

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<sup>1</sup> The orders denying plaintiff's requests for restraining orders were the subjects of separate proceedings in the trial court and separate appeals in this court. We consolidated the cases for oral argument and decision. Plaintiff filed identical opening briefs in each case. No respondent's brief was filed in either case.

2 Cal.3d 557, 564.) An appellant bears the burden of overcoming the presumption of correctness by providing an adequate record that affirmatively demonstrates error. (See *Defend Bayview Hunters Point Com. v. City and County of San Francisco* (2008) 167 Cal.App.4th 846, 859-860.) Here, the record provided is inadequate to demonstrate error.

In the absence of a reporter's transcript or other record of the trial court's proceedings, the appeal is treated as an appeal on the judgment roll. (*Allen v. Toten* (1985) 172 Cal.App.3d 1079, 1082-1083.) On such an appeal, we conclusively presume there was sufficient evidence to support the trial court's findings. (*Nielsen v. Gibson* (2009) 178 Cal.App.4th 318, 324.) Our review is necessarily "limited to determining whether any error 'appears on the face of the record.' " (*Id.* at pp. 324-325.) Here, the written orders denying plaintiff's requests are perfunctory and do not include the trial court's reasons for the denials. Accordingly, we cannot conclude that any error appears on the face of the record. (See *ibid.*)

Thus, we must affirm the trial court's orders.

## DISPOSITION

The orders denying plaintiff's requests for civil harassment restraining orders are affirmed. Plaintiff shall pay defendants' costs on appeal. (See Cal. Rules of Court, rule 8.278(a)(1) & (2).)

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/s/  
Duarte, J.

We concur:

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/s/  
Raye, P. J.

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/s/  
Renner, J.